

Testimony of Richard LeMay
In Support of HB 1438
Before the House Industry, Business and Labor Committee
February 2, 2021

Chairman Mike Lefor and Committee Members: My name is Richard LeMay. I serve as the Executive Director of Legal Services of North Dakota (LSND), a nonprofit organization that provides civil legal services to low-income individuals and economically disadvantaged elderly North Dakotans statewide.

Federal funding through Legal Services Corporation together with foundation grant funds allows LSND to provide immediate legal assistance through a central intake and senior legal help line. Those individuals needing extended services are transferred to one of LSND's regional law offices where North Dakotans are helped with legal problems including but not limited to consumer, housing, family law, advance directives, social security, medicare, medicaid, and income maintenance to name just a few.

Another important function provided by LSND is community education on varying legal topics. LSND does this through speaking engagements, community resource fairs and through LSND's periodic newsletter. Unfortunately, those facing evictions are not being reached by LSND's community education opportunities. Community education presentations offered by LSND on the topic of landlord/tenant are often attended more by landlords than tenants.

Eviction is a serious problem that no one sees coming nor does anyone plan for it. Losing one's employment or having hours cut or suffering an illness or COVID-19 is not anyone's fault. It's a cruel fact of life that happens and affects those low-income individuals and economically disadvantaged seniors the most of all.

LSND chooses not to expend its limited funding to advertise its services. Consequently, many individuals facing eviction do not find out about LSND until it is too late. In 2020, there were more than 2400 court filings for eviction in North Dakota. During that same time LSND received 626 applications regarding housing issues, 193 of those were for representation in evictions. While LSND was able to help in providing advice and counsel in all 193 applications; LSND was only able to help 10% of those cases in avoiding eviction.

Considering the statistical information, the main problem in helping tenants with evictions is their failure to find LSND's services in time. LSND sees the same problem with tenants being able to find the CDC moratorium document. Although the CARES Act provided eviction protection from March 2020 until the end of July and the CDC Moratorium provided protection from September 2020 to the end of December 2020 more than 2400 eviction filings were made to North Dakota's district courts.

A simple way of providing tenants facing eviction with information on their legal rights and responsibilities and on access to legal services would be to require the "notice of intention to evict" within NDCC 47-32-02, to include the contact information for the legal services program in their county.

This change may not provide representation for everyone being evicted but it would be a huge step in the right direction. It would give tenants the opportunity to learn their rights and responsibilities from a legal source rather than their family, friends or worst of all social media. Eviction is a serious legal process and should be treated as such.

I would ask for your support for HB 1438. Thank you for your consideration and I will try to answer any questions you may have.